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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-0444 CRB
)	
Plaintiff,)	
)	STIPULATION AND (PROPOSED)
v.)	ORDER EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT FROM AUGUST
JESSE CARTER)	19, 2009 TO SEPTEMBER 30, 2009
)	
and)	
)	
CHERIE R. HOKAMURA,)	
)	
)	
Defendants.)	

On August 19, 2009, the parties in this matter appeared before the Honorable Judge Charles R. Breyer for a status hearing as to defendants Jesse Carter and Cherie R. Hokamura. During this appearance, the parties stipulated that time should be excluded from the Speedy Trial Act calculations from August 19, 2009 until September 30, 2009 for effective preparation of counsel. Counsel for both defendants indicated the need to review discovery. The parties represented that granting the continuance was for the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

1 The parties also agree that the ends of justice served by granting such a continuance outweigh
2 the best interests of the public and the defendants in a speedy trial. See 18 U.S.C. §
3 3161(h)(7)(A).

4 SO STIPULATED:

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 DATED: 9/24/09

8 /s/
DAVID J. WARD
Special Assistant United States Attorney

9 DATED: 9/24/09

10 /s/
SARA REIF
11 Attorney for Jesse Carter


12 DATED: 9/24/09

13 /s/
SHAWN HALBERT
Attorney for Cherie Hokamura

14
15 As the Court found on August 19, 2009, and for the reasons stated above, the Court finds that
16 an exclusion of time between August 19, 2009 and September 30, 2009, is warranted and that the
17 ends of justice served by the continuance outweighs the best interests of the public and the
18 defendants in a speedy trial. See 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested
19 continuance would deny defendants and deny defense counsel the reasonable time necessary for
20 effective preparation, taking into account the exercise of due diligence, and would result in a
21 miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(iv).

22
23 SO ORDERED.

24
25 DATED: September 24, 2009

26 
CHARLES R. BREYER
United States District Judge